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ENGROSSED SENATE BILL 5459

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State of Washington                      57th Legislature                      2001 Regular Session

By Senators Roach, Kline, Rasmussen and Winsley

Read first time 01/23/2001. Referred to Committee on Judiciary.

1            AN ACT Relating to crimes related to mail; amending RCW 13.40.0357;  
2 reenacting and amending RCW 9.94A.515; adding a new chapter to Title 9A  
3 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.**    The definitions in this section apply  
6 throughout this chapter unless the context clearly requires otherwise.

7            (1) "Authorized depository" means a mailbox, post office box, or  
8 rural box used by postal customers to deposit outgoing mail or used by  
9 the postal service to deliver incoming mail.

10           (2) "Letter box" means a receptacle that is used for a specific  
11 address intended or used for the receipt or delivery of mail on a mail  
12 route.

13           (3)(a) "Mail" means a letter, card, parcel, or other material that:

14           (i) Is sent or delivered by means of the postal service;

15           (ii) Has postage affixed by the postal customer or postal service;

16 and

17           (iii) Is placed in an authorized depository or mail receptacle.

18           (b) "Mail" includes articles contained in mail.

1 (4) "Mail receptacle" means a place used by the postal service or  
2 postal customers to place outgoing mail or receive incoming mail.

3 (5) "Postage" means a postal service stamp, permit imprint, meter  
4 strip, or other authorized indication of prepayment for service  
5 provided by the postal service for collection and delivery of mail.

6 (6) "Postal service" means the United States postal service.

7 (7) The phrase "of another" does not include persons with whom the  
8 defendant has a familial, parental, spousal, employment, or other  
9 relationship that would otherwise reasonably allow the defendant to  
10 take, dispose of, or otherwise intercept the person's mail.

11 NEW SECTION. **Sec. 2.** (1) A person commits the crime of  
12 obstruction of mail if the person intentionally obstructs or  
13 unreasonably delays:

14 (a) The passage of the mail; or

15 (b) A carrier or conveyance carrying the mail.

16 (2) Obstruction of mail is a gross misdemeanor.

17 NEW SECTION. **Sec. 3.** (1) A person commits the crime of  
18 destruction of letter boxes if the person knowingly and maliciously:

19 (a) Tears down or destroys a letter box belonging to another; or

20 (b) Breaks open a letter box belonging to another.

21 (2) Destruction of letter boxes is a gross misdemeanor.

22 NEW SECTION. **Sec. 4.** (1) A person commits the crime of  
23 destruction of mail if the person knowingly and maliciously injures,  
24 destroys, or defaces mail of another that has been deposited in an  
25 authorized depository.

26 (2) Destruction of mail is a class C felony.

27 NEW SECTION. **Sec. 5.** (1) A person commits the crime of mail theft  
28 or receipt of stolen mail if the person knowingly:

29 (a) Takes, or by fraud or deception, obtains mail of another from  
30 a mail receptacle, authorized depository, or mail carrier;

31 (b) Secretes, embezzles, or destroys mail of another;

32 (c) Takes, or by fraud or deception, obtains mail of another that  
33 has been left for collection on or adjacent to an authorized depository  
34 or mail receptacle; or

1 (d) Buys, receives, conceals, or unlawfully possesses mail of  
2 another knowing that the mail was taken, obtained, or embezzled as  
3 described in this subsection.

4 (2) Mail theft or receipt of stolen mail is a class C felony.

5 NEW SECTION. **Sec. 6.** In a prosecution under this chapter, it is  
6 a defense that the defendant acted under an honest claim of right in  
7 that:

8 (1) The defendant was unaware that the property was that of another  
9 person;

10 (2) The defendant reasonably believed that the defendant was  
11 entitled to the property involved or had a right to acquire or dispose  
12 of it as the defendant did; or

13 (3) The property involved was that of the defendant's minor child  
14 or spouse, unless the parties were not living together as husband and  
15 wife and were residing in, and intended to continually reside in,  
16 separate abodes at the time of the alleged offense.

17 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute  
18 a new chapter in Title 9A RCW.

19 **Sec. 8.** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s  
20 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to  
21 read as follows:

22 TABLE 2

23 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

24 XVI	Aggravated Murder 1 (RCW 10.95.020)
25 XV	Homicide by abuse (RCW 9A.32.055)
26	Malicious explosion 1 (RCW 70.74.280(1))
27	Murder 1 (RCW 9A.32.030)
28 XIV	Murder 2 (RCW 9A.32.050)
29 XIII	Malicious explosion 2 (RCW 70.74.280(2))
30	Malicious placement of an explosive 1 (RCW
31	70.74.270(1))
32 XII	Assault 1 (RCW 9A.36.011)

1 Assault of a Child 1 (RCW 9A.36.120)  
2 Malicious placement of an imitation device  
3 1 (RCW 70.74.272(1)(a))  
4 Rape 1 (RCW 9A.44.040)  
5 Rape of a Child 1 (RCW 9A.44.073)  
6 XI Manslaughter 1 (RCW 9A.32.060)  
7 Rape 2 (RCW 9A.44.050)  
8 Rape of a Child 2 (RCW 9A.44.076)  
9 X Child Molestation 1 (RCW 9A.44.083)  
10 Indecent Liberties (with forcible  
11 compulsion) (RCW 9A.44.100(1)(a))  
12 Kidnapping 1 (RCW 9A.40.020)  
13 Leading Organized Crime (RCW  
14 9A.82.060(1)(a))  
15 Malicious explosion 3 (RCW 70.74.280(3))  
16 Manufacture of methamphetamine (RCW  
17 69.50.401(a)(1)(ii))  
18 Over 18 and deliver heroin,  
19 methamphetamine, a narcotic from  
20 Schedule I or II, or flunitrazepam  
21 from Schedule IV to someone under 18  
22 (RCW 69.50.406)  
23 Sexually Violent Predator Escape (RCW  
24 9A.76.115)  
25 IX Assault of a Child 2 (RCW 9A.36.130)  
26 Controlled Substance Homicide (RCW  
27 69.50.415)  
28 Explosive devices prohibited (RCW  
29 70.74.180)  
30 Hit and Run--Death (RCW 46.52.020(4)(a))  
31 Homicide by Watercraft, by being under the  
32 influence of intoxicating liquor or  
33 any drug (RCW 79A.60.050)  
34 Inciting Criminal Profiteering (RCW  
35 9A.82.060(1)(b))  
36 Malicious placement of an explosive 2 (RCW  
37 70.74.270(2))

1 Over 18 and deliver narcotic from Schedule  
2 III, IV, or V or a nonnarcotic, except  
3 flunitrazepam or methamphetamine, from  
4 Schedule I-V to someone under 18 and 3  
5 years junior (RCW 69.50.406)  
6 Robbery 1 (RCW 9A.56.200)  
7 Sexual Exploitation (RCW 9.68A.040)  
8 Vehicular Homicide, by being under the  
9 influence of intoxicating liquor or  
10 any drug (RCW 46.61.520)

11 VIII Arson 1 (RCW 9A.48.020)  
12 Deliver or possess with intent to deliver  
13 m e t h a m p h e t a m i n e ( R C W  
14 69.50.401(a)(1)(ii))  
15 Homicide by Watercraft, by the operation of  
16 any vessel in a reckless manner (RCW  
17 79A.60.050)  
18 Manslaughter 2 (RCW 9A.32.070)  
19 Manufacture, deliver, or possess with  
20 intent to deliver amphetamine (RCW  
21 69.50.401(a)(1)(ii))  
22 Manufacture, deliver, or possess with  
23 intent to deliver heroin or cocaine  
24 (RCW 69.50.401(a)(1)(i))  
25 Possession of Ephedrine, Pseudoephedrine,  
26 or Anhydrous Ammonia with intent to  
27 manufacture methamphetamine (RCW  
28 69.50.440)  
29 Promoting Prostitution 1 (RCW 9A.88.070)  
30 Selling for profit (controlled or  
31 counterfeit) any controlled substance  
32 (RCW 69.50.410)  
33 Theft of Anhydrous Ammonia (RCW 69.55.010)  
34 Vehicular Homicide, by the operation of any  
35 vehicle in a reckless manner (RCW  
36 46.61.520)

37 VII Burglary 1 (RCW 9A.52.020)  
38 Child Molestation 2 (RCW 9A.44.086)

1 Dealing in depictions of minor engaged in  
2 sexually explicit conduct (RCW  
3 9.68A.050)  
4 Drive-by Shooting (RCW 9A.36.045)  
5 Homicide by Watercraft, by disregard for  
6 the safety of others (RCW 79A.60.050)  
7 Indecent Liberties (without forcible  
8 compulsion) (RCW 9A.44.100(1) (b) and  
9 (c))  
10 Introducing Contraband 1 (RCW 9A.76.140)  
11 Involving a minor in drug dealing (RCW  
12 69.50.401(f))  
13 Malicious placement of an explosive 3 (RCW  
14 70.74.270(3))  
15 Sending, bringing into state depictions of  
16 minor engaged in sexually explicit  
17 conduct (RCW 9.68A.060)  
18 Unlawful Possession of a Firearm in the  
19 first degree (RCW 9.41.040(1)(a))  
20 Use of a Machine Gun in Commission of a  
21 Felony (RCW 9.41.225)  
22 Vehicular Homicide, by disregard for the  
23 safety of others (RCW 46.61.520)  
24 VI Bail Jumping with Murder 1 (RCW  
25 9A.76.170(3)(a))  
26 Bribery (RCW 9A.68.010)  
27 Incest 1 (RCW 9A.64.020(1))  
28 Intimidating a Judge (RCW 9A.72.160)  
29 Intimidating a Juror/Witness (RCW  
30 9A.72.110, 9A.72.130)  
31 Malicious placement of an imitation device  
32 2 (RCW 70.74.272(1)(b))  
33 Manufacture, deliver, or possess with  
34 intent to deliver narcotics from  
35 Schedule I or II (except heroin or  
36 cocaine) or flunitrazepam from  
37 Schedule IV (RCW 69.50.401(a)(1)(i))  
38 Rape of a Child 3 (RCW 9A.44.079)  
39 Theft of a Firearm (RCW 9A.56.300)

1 Unlawful Storage of Anhydrous Ammonia (RCW  
2 69.55.020)

3 V Abandonment of dependent person 1 (RCW  
4 9A.42.060)

5 Advancing money or property for  
6 extortionate extension of credit (RCW  
7 9A.82.030)

8 Bail Jumping with class A Felony (RCW  
9 9A.76.170(3)(b))

10 Child Molestation 3 (RCW 9A.44.089)

11 Criminal Mistreatment 1 (RCW 9A.42.020)

12 Custodial Sexual Misconduct 1 (RCW  
13 9A.44.160)

14 Delivery of imitation controlled substance  
15 by person eighteen or over to person  
16 under eighteen (RCW 69.52.030(2))

17 Domestic Violence Court Order Violation  
18 (RCW 10.99.040, 10.99.050, 26.09.300,  
19 26.10.220, 26.26.138, 26.50.110,  
20 26.52.070, or 74.34.145)

21 Extortion 1 (RCW 9A.56.120)

22 Extortionate Extension of Credit (RCW  
23 9A.82.020)

24 Extortionate Means to Collect Extensions of  
25 Credit (RCW 9A.82.040)

26 Incest 2 (RCW 9A.64.020(2))

27 Kidnapping 2 (RCW 9A.40.030)

28 Perjury 1 (RCW 9A.72.020)

29 Persistent prison misbehavior (RCW  
30 9.94.070)

31 Possession of a Stolen Firearm (RCW  
32 9A.56.310)

33 Rape 3 (RCW 9A.44.060)

34 Rendering Criminal Assistance 1 (RCW  
35 9A.76.070)

36 Sexual Misconduct with a Minor 1 (RCW  
37 9A.44.093)

38 Sexually Violating Human Remains (RCW  
39 9A.44.105)

1 Stalking (RCW 9A.46.110)

2 IV Arson 2 (RCW 9A.48.030)

3 Assault 2 (RCW 9A.36.021)

4 Assault by Watercraft (RCW 79A.60.060)

5 Bribing a Witness/Bribe Received by Witness  
6 (RCW 9A.72.090, 9A.72.100)

7 Commercial Bribery (RCW 9A.68.060)

8 Counterfeiting (RCW 9.16.035(4))

9 Escape 1 (RCW 9A.76.110)

10 Hit and Run--Injury (RCW 46.52.020(4)(b))

11 Hit and Run with Vessel--Injury Accident  
12 (RCW 79A.60.200(3))

13 Identity Theft 1 (RCW 9.35.020(2)(a))

14 Indecent Exposure to Person Under Age  
15 Fourteen (subsequent sex offense) (RCW  
16 9A.88.010)

17 Influencing Outcome of Sporting Event (RCW  
18 9A.82.070)

19 Knowingly Trafficking in Stolen Property  
20 (RCW 9A.82.050(2))

21 Malicious Harassment (RCW 9A.36.080)

22 Manufacture, deliver, or possess with  
23 intent to deliver narcotics from  
24 Schedule III, IV, or V or nonnarcotics  
25 from Schedule I-V (except marijuana,  
26 amphetamine, methamphetamines, or  
27 flunitrazepam) (RCW 69.50.401(a)(1)  
28 (iii) through (v))

29 Residential Burglary (RCW 9A.52.025)

30 Robbery 2 (RCW 9A.56.210)

31 Theft of Livestock 1 (RCW 9A.56.080)

32 Threats to Bomb (RCW 9.61.160)

33 Use of Proceeds of Criminal Profiteering  
34 (RCW 9A.82.080 (1) and (2))

35 Vehicular Assault, by being under the  
36 influence of intoxicating liquor or  
37 any drug, or by the operation or  
38 driving of a vehicle in a reckless  
39 manner (RCW 46.61.522)

1 Willful Failure to Return from Furlough  
2 (RCW 72.66.060)

3 III Abandonment of dependent person 2 (RCW  
4 9A.42.070)

5 Assault 3 (RCW 9A.36.031)

6 Assault of a Child 3 (RCW 9A.36.140)

7 Bail Jumping with class B or C Felony (RCW  
8 9A.76.170(3)(c))

9 Burglary 2 (RCW 9A.52.030)

10 Communication with a Minor for Immoral  
11 Purposes (RCW 9.68A.090)

12 Criminal Gang Intimidation (RCW 9A.46.120)

13 Criminal Mistreatment 2 (RCW 9A.42.030)

14 Custodial Assault (RCW 9A.36.100)

15 Delivery of a material in lieu of a  
16 controlled substance (RCW  
17 69.50.401(c))

18 Escape 2 (RCW 9A.76.120)

19 Extortion 2 (RCW 9A.56.130)

20 Harassment (RCW 9A.46.020)

21 Intimidating a Public Servant (RCW  
22 9A.76.180)

23 Introducing Contraband 2 (RCW 9A.76.150)

24 Maintaining a Dwelling or Place for  
25 Controlled Substances (RCW  
26 69.50.402(a)(6))

27 Malicious Injury to Railroad Property (RCW  
28 81.60.070)

29 Manufacture, deliver, or possess with  
30 intent to deliver marijuana (RCW  
31 69.50.401(a)(1)(iii))

32 Manufacture, distribute, or possess with  
33 intent to distribute an imitation  
34 controlled substance (RCW  
35 69.52.030(1))

36 Patronizing a Juvenile Prostitute (RCW  
37 9.68A.100)

38 Perjury 2 (RCW 9A.72.030)

1 Possession of Incendiary Device (RCW  
2 9.40.120)  
3 Possession of Machine Gun or Short-Barreled  
4 Shotgun or Rifle (RCW 9.41.190)  
5 Promoting Prostitution 2 (RCW 9A.88.080)  
6 Recklessly Trafficking in Stolen Property  
7 (RCW 9A.82.050(1))  
8 Securities Act violation (RCW 21.20.400)  
9 Tampering with a Witness (RCW 9A.72.120)  
10 Telephone Harassment (subsequent conviction  
11 or threat of death) (RCW 9.61.230)  
12 Theft of Livestock 2 (RCW 9A.56.080)  
13 Unlawful Imprisonment (RCW 9A.40.040)  
14 Unlawful possession of firearm in the  
15 second degree (RCW 9.41.040(1)(b))  
16 Unlawful Use of Building for Drug Purposes  
17 (RCW 69.53.010)  
18 Vehicular Assault, by the operation or  
19 driving of a vehicle with disregard  
20 for the safety of others (RCW  
21 46.61.522)  
22 Willful Failure to Return from Work Release  
23 (RCW 72.65.070)  
24 II Computer Trespass 1 (RCW 9A.52.110)  
25 Counterfeiting (RCW 9.16.035(3))  
26 Create, deliver, or possess a counterfeit  
27 controlled substance (RCW  
28 69.50.401(b))  
29 Escape from Community Custody (RCW  
30 72.09.310)  
31 Health Care False Claims (RCW 48.80.030)  
32 Identity Theft 2 (RCW 9.35.020(2)(b))  
33 Improperly Obtaining Financial Information  
34 (RCW 9.35.010)  
35 Mail Theft or Receipt of Stolen Mail  
36 (section 5 of this act)  
37 Malicious Mischief 1 (RCW 9A.48.070)  
38 Possession of controlled substance that is  
39 either heroin or narcotics from

1 Schedule I or II or flunitrazepam from  
2 Schedule IV (RCW 69.50.401(d))  
3 Possession of phencyclidine (PCP) (RCW  
4 69.50.401(d))  
5 Possession of Stolen Property 1 (RCW  
6 9A.56.150)  
7 Theft 1 (RCW 9A.56.030)  
8 Theft of Rental, Leased, or Lease-purchased  
9 Property (valued at one thousand five  
10 hundred dollars or more) (RCW  
11 9A.56.096(4))  
12 Trafficking in Insurance Claims (RCW  
13 48.30A.015)  
14 Unlawful Practice of Law (RCW 2.48.180)  
15 Unlicensed Practice of a Profession or  
16 Business (RCW 18.130.190(7))  
  
17 I Attempting to Elude a Pursuing Police  
18 Vehicle (RCW 46.61.024)  
19 Destruction of Mail (section 4 of this act)  
20 False Verification for Welfare (RCW  
21 74.08.055)  
22 Forged Prescription (RCW 69.41.020)  
23 Forged Prescription for a Controlled  
24 Substance (RCW 69.50.403)  
25 Forgery (RCW 9A.60.020)  
26 Malicious Mischief 2 (RCW 9A.48.080)  
27 Possess Controlled Substance that is a  
28 Narcotic from Schedule III, IV, or V  
29 or Non-narcotic from Schedule I-V  
30 (except phencyclidine or  
31 flunitrazepam) (RCW 69.50.401(d))  
32 Possession of Stolen Property 2 (RCW  
33 9A.56.160)  
34 Reckless Burning 1 (RCW 9A.48.040)  
35 Taking Motor Vehicle Without Permission  
36 (RCW 9A.56.070)  
37 Theft 2 (RCW 9A.56.040)  
38 Theft of Rental, Leased, or Lease-purchased  
39 Property (valued at two hundred fifty

1 dollars or more but less than one  
 2 thousand five hundred dollars) (RCW  
 3 9A.56.096(4))  
 4 Unlawful Issuance of Checks or Drafts (RCW  
 5 9A.56.060)  
 6 Unlawful Use of Food Stamps (RCW 9.91.140  
 7 (2) and (3))  
 8 Vehicle Prowl 1 (RCW 9A.52.095)

9 **Sec. 9.** RCW 13.40.0357 and 2001 c 217 s 13 are each amended to  
 10 read as follows:

11 **DESCRIPTION AND OFFENSE CATEGORY**

12 JUVENILE JUVENILE DISPOSITION  
 13 DISPOSITION CATEGORY FOR ATTEMPT,  
 14 OFFENSE BAILJUMP, CONSPIRACY,  
 15 CATEGORY DESCRIPTION (RCW CITATION) OR SOLICITATION  
 16 .....

17 **Arson and Malicious Mischief**

18 A Arson 1 (9A.48.020) B+  
 19 B Arson 2 (9A.48.030) C  
 20 C Reckless Burning 1 (9A.48.040) D  
 21 D Reckless Burning 2 (9A.48.050) E  
 22 B Malicious Mischief 1 (9A.48.070) C  
 23 C Malicious Mischief 2 (9A.48.080) D  
 24 D Malicious Mischief 3 (<\$50 is  
 25 E class) (9A.48.090) E  
 26 E Tampering with Fire Alarm  
 27 Apparatus (9.40.100) E  
 28 A Possession of Incendiary Device  
 29 (9.40.120) B+

30 **Assault and Other Crimes**

31 **Involving Physical Harm**

32 A Assault 1 (9A.36.011) B+  
 33 B+ Assault 2 (9A.36.021) C+  
 34 C+ Assault 3 (9A.36.031) D+  
 35 D+ Assault 4 (9A.36.041) E

1	B+	Drive-By Shooting	
2		(9A.36.045)	C+
3	D+	Reckless Endangerment	
4		(9A.36.050)	E
5	C+	Promoting Suicide Attempt	
6		(9A.36.060)	D+
7	D+	Coercion (9A.36.070)	E
8	C+	Custodial Assault (9A.36.100)	D+
9		<b>Burglary and Trespass</b>	
10	B+	Burglary 1 (9A.52.020)	C+
11	B	Residential Burglary	
12		(9A.52.025)	C
13	B	Burglary 2 (9A.52.030)	C
14	D	Burglary Tools (Possession of)	
15		(9A.52.060)	E
16	D	Criminal Trespass 1 (9A.52.070)	E
17	E	Criminal Trespass 2 (9A.52.080)	E
18	C	Vehicle Prowling 1 (9A.52.095)	D
19	D	Vehicle Prowling 2 (9A.52.100)	E
20		<b>Drugs</b>	
21	E	Possession/Consumption of Alcohol	
22		(66.44.270)	E
23	C	Illegally Obtaining Legend Drug	
24		(69.41.020)	D
25	C+	Sale, Delivery, Possession of Legend	
26		Drug with Intent to Sell	
27		(69.41.030)	D+
28	E	Possession of Legend Drug	
29		(69.41.030)	E
30	B+	Violation of Uniform Controlled	
31		Substances Act - Narcotic,	
32		Methamphetamine, or Flunitrazepam	
33		Sale (69.50.401(a)(1) (i) or (ii))	B+
34	C	Violation of Uniform Controlled	
35		Substances Act - Nonnarcotic Sale	
36		(69.50.401(a)(1)(iii))	C
37	E	Possession of Marihuana <40 grams	
38		(69.50.401(e))	E

1	C	Fraudulently Obtaining Controlled	
2		Substance (69.50.403)	C
3	C+	Sale of Controlled Substance	
4		for Profit (69.50.410)	C+
5	E	Unlawful Inhalation (9.47A.020)	E
6	B	Violation of Uniform Controlled	
7		Substances Act - Narcotic,	
8		Methamphetamine, or Flunitrazepam	
9		Counterfeit Substances	
10		(69.50.401(b)(1) (i) or (ii))	B
11	C	Violation of Uniform Controlled	
12		Substances Act - Nonnarcotic	
13		Counterfeit Substances	
14		(69.50.401(b)(1) (iii), (iv), (v))	C
15	C	Violation of Uniform Controlled	
16		Substances Act - Possession of a	
17		Controlled Substance	
18		(69.50.401(d))	C
19	C	Violation of Uniform Controlled	
20		Substances Act - Possession of a	
21		Controlled Substance	
22		(69.50.401(c))	C
23		<b>Firearms and Weapons</b>	
24	B	Theft of Firearm (9A.56.300)	C
25	B	Possession of Stolen Firearm	
26		(9A.56.310)	C
27	E	Carrying Loaded Pistol Without	
28		Permit (9.41.050)	E
29	C	Possession of Firearms by Minor (<18)	
30		(9.41.040(1)(b)(iii))	C
31	D+	Possession of Dangerous Weapon	
32		(9.41.250)	E
33	D	Intimidating Another Person by use	
34		of Weapon (9.41.270)	E
35		<b>Homicide</b>	
36	A+	Murder 1 (9A.32.030)	A
37	A+	Murder 2 (9A.32.050)	B+
38	B+	Manslaughter 1 (9A.32.060)	C+

1	C+	Manslaughter 2 (9A.32.070)	D+
2	B+	Vehicular Homicide (46.61.520)	C+
3		<b>Kidnapping</b>	
4	A	Kidnap 1 (9A.40.020)	B+
5	B+	Kidnap 2 (9A.40.030)	C+
6	C+	Unlawful Imprisonment	
7		(9A.40.040)	D+
8		<b>Obstructing Governmental Operation</b>	
9	D	Obstructing a Law Enforcement	
10		Officer (9A.76.020)	E
11	E	Resisting Arrest (9A.76.040)	E
12	B	Introducing Contraband 1	
13		(9A.76.140)	C
14	C	Introducing Contraband 2	
15		(9A.76.150)	D
16	E	Introducing Contraband 3	
17		(9A.76.160)	E
18	B+	Intimidating a Public Servant	
19		(9A.76.180)	C+
20	B+	Intimidating a Witness	
21		(9A.72.110)	C+
22		<b>Public Disturbance</b>	
23	C+	Riot with Weapon (9A.84.010)	D+
24	D+	Riot Without Weapon	
25		(9A.84.010)	E
26	E	Failure to Disperse (9A.84.020)	E
27	E	Disorderly Conduct (9A.84.030)	E
28		<b>Sex Crimes</b>	
29	A	Rape 1 (9A.44.040)	B+
30	A-	Rape 2 (9A.44.050)	B+
31	C+	Rape 3 (9A.44.060)	D+
32	A-	Rape of a Child 1 (9A.44.073)	B+
33	B+	Rape of a Child 2 (9A.44.076)	C+
34	B	Incest 1 (9A.64.020(1))	C
35	C	Incest 2 (9A.64.020(2))	D
36	D+	Indecent Exposure	
37		(Victim <14) (9A.88.010)	E

1	E	Indecent Exposure	
2		(Victim 14 or over) (9A.88.010)	E
3	B+	Promoting Prostitution 1	
4		(9A.88.070)	C+
5	C+	Promoting Prostitution 2	
6		(9A.88.080)	D+
7	E	O & A (Prostitution) (9A.88.030)	E
8	B+	Indecent Liberties (9A.44.100)	C+
9	A-	Child Molestation 1 (9A.44.083)	B+
10	B	Child Molestation 2 (9A.44.086)	C+
11		<b>Theft, Robbery, Extortion, and Forgery</b>	
12	B	Theft 1 (9A.56.030)	C
13	C	Theft 2 (9A.56.040)	D
14	D	Theft 3 (9A.56.050)	E
15	B	Theft of Livestock (9A.56.080)	C
16	C	Forgery (9A.60.020)	D
17	A	Robbery 1 (9A.56.200)	B+
18	B+	Robbery 2 (9A.56.210)	C+
19	B+	Extortion 1 (9A.56.120)	C+
20	C+	Extortion 2 (9A.56.130)	D+
21	C	Identity Theft 1 (9.35.020(2)(a))	D
22	D	Identity Theft 2 (9.35.020(2)(b))	E
23	D	Improperly Obtaining Financial	
24		Information ( <del>((9.35.010))</del> ) <u>(9.35.010)</u>	E
25	<u>C</u>	<u>Mail Theft or Receipt of Stolen</u>	
26		<u>Mail (section 5 of this act)</u>	<u>D</u>
27	<u>D</u>	<u>Destruction of Mail (section 4</u>	
28		<u>of this act)</u>	<u>E</u>
29	B	Possession of Stolen Property 1	
30		(9A.56.150)	C
31	C	Possession of Stolen Property 2	
32		(9A.56.160)	D
33	D	Possession of Stolen Property 3	
34		(9A.56.170)	E
35	C	Taking Motor Vehicle Without	
36		Owner's Permission (9A.56.070)	D

1		<b>Motor Vehicle Related Crimes</b>	
2	E	Driving Without a License	
3		(46.20.005)	E
4	B+	Hit and Run - Death	
5		(46.52.020(4)(a))	C+
6	C	Hit and Run - Injury	
7		(46.52.020(4)(b))	D
8	D	Hit and Run-Attended	
9		(46.52.020(5))	E
10	E	Hit and Run-Unattended	
11		(46.52.010)	E
12	C	Vehicular Assault (46.61.522)	D
13	C	Attempting to Elude Pursuing	
14		Police Vehicle (46.61.024)	D
15	E	Reckless Driving (46.61.500)	E
16	D	Driving While Under the Influence	
17		(46.61.502 and 46.61.504)	E
18		<b>Other</b>	
19	B	Bomb Threat (9.61.160)	C
20	C	Escape 1 (9A.76.110)	C
21	C	Escape 2 (9A.76.120)	C
22	D	Escape 3 (9A.76.130)	E
23	E	Obscene, Harassing, Etc.,	
24		Phone Calls (9.61.230)	E
25	A	Other Offense Equivalent to an	
26		Adult Class A Felony	B+
27	B	Other Offense Equivalent to an	
28		Adult Class B Felony	C
29	C	Other Offense Equivalent to an	
30		Adult Class C Felony	D
31	D	Other Offense Equivalent to an	
32		Adult Gross Misdemeanor	E
33	E	Other Offense Equivalent to an	
34		Adult Misdemeanor	E
35	V	Violation of Order of Restitution,	
36		Community Supervision, or	
37		Confinement (13.40.200)	V

1 Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
2 and the standard range is established as follows:

3 1st escape or attempted escape during 12-month period - 4 weeks  
4 confinement

5 2nd escape or attempted escape during 12-month period - 8 weeks  
6 confinement

7 3rd and subsequent escape or attempted escape during 12-month  
8 period - 12 weeks confinement

9 If the court finds that a respondent has violated terms of an order,  
10 it may impose a penalty of up to 30 days of confinement.

11 **JUVENILE SENTENCING STANDARDS**

12 This schedule must be used for juvenile offenders. The court may  
13 select sentencing option A, B, or C.

14 **OPTION A**  
15 **JUVENILE OFFENDER SENTENCING GRID**  
16 **STANDARD RANGE**

17		_____				
18	A+	180 WEEKS TO AGE 21 YEARS				
19		_____				
20	A	103 WEEKS TO 129 WEEKS				
21		_____				
22	A-	15-36	52-65	80-100	103-129	
23		WEEKS	WEEKS	WEEKS	WEEKS	
24		EXCEPT				
25		30-40				
26		WEEKS FOR				
27		15-17				
28		YEAR OLDS				
29		_____				
30	Current	B+	15-36	52-65	80-100	103-129
31	Offense		WEEKS	WEEKS	WEEKS	WEEKS
32	Category		_____			
33		B	LOCAL		52-65	
34			SANCTIONS (LS)	15-36 WEEKS	WEEKS	
35				_____	_____	
36		C+	LS			
37				15-36 WEEKS		
38				_____		
39		C	LS		15-36 WEEKS	
40			Local Sanctions:			

1			0 to 30 Days	
2	D+	LS	0 to 12 Months Community Supervision	
3			0 to 150 Hours Community Service	
4	D	LS	\$0 to \$500 Fine	
5	E	LS		
6				
7			0	1
8			2	3
				4 or more
			PRIOR ADJUDICATIONS	

9 NOTE: References in the grid to days or weeks mean periods of  
10 confinement.

11 (1) The vertical axis of the grid is the current offense category.  
12 The current offense category is determined by the offense of  
13 adjudication.

14 (2) The horizontal axis of the grid is the number of prior  
15 adjudications included in the juvenile's criminal history. Each prior  
16 felony adjudication shall count as one point. Each prior violation,  
17 misdemeanor, and gross misdemeanor adjudication shall count as 1/4  
18 point. Fractional points shall be rounded down.

19 (3) The standard range disposition for each offense is determined  
20 by the intersection of the column defined by the prior adjudications  
21 and the row defined by the current offense category.

22 (4) RCW 13.40.180 applies if the offender is being sentenced for  
23 more than one offense.

24 (5) A current offense that is a violation is equivalent to an  
25 offense category of E. However, a disposition for a violation shall  
26 not include confinement.

27 **OR**

28 **OPTION B**

29 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

30 If the juvenile offender is subject to a standard range disposition  
31 of local sanctions or 15 to 36 weeks of confinement and has not  
32 committed an A- or B+ offense, the court may impose a disposition under  
33 RCW 13.40.160(4) and 13.40.165.

34 **OR**

35 **OPTION C**

36 **MANIFEST INJUSTICE**

1        If the court determines that a disposition under option A or B  
2 would effectuate a manifest injustice, the court shall impose a  
3 disposition outside the standard range under RCW 13.40.160(2).

--- END ---